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10/565,816	01/24/2006	Johannes Hendrikus Lemmers	NL 030912	7555

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EXAMINER
HANCE, ROBERT J

ART UNIT	PAPER NUMBER
2421	

NOTIFICATION DATE	DELIVERY MODE
10/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2008*.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All　b)☐ Some *　c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 07/10/2008 have been fully considered but they are

not persuasive.

Regarding Applicant's argument on page 7 of the Remarks that "the feature data

related to said first feature and said second feature being part of said first Xlet" is not

disclosed by Peng and Ludvig, Examiner respectfully disagrees.

In the combined system of Peng and Ludvig, the AIT, which is feature data

related to said first feature and said second feature (Ludvig col. 13 line 66 – col. 14 line

32). The AIT is necessary for the first Xlet to be run (Peng Section 1 Paragraph 6),

therefore it is a part of the first Xlet. While Ludvig does not disclose that the AIT is

related to Xlets, the Peng reference is relied upon to disclose AITs related to Xlets, and

the Ludvig reference is relied upon to disclose a single AIT related to multiple

applications. It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine these two references, thus employing a single AIT to be used

for multiple Xlets. Thus, the combined system of Peng and Ludvig disclose "the feature

data related to said first feature and said second feature being part of said first Xlet."

Regarding Applicant's argument on page 8 of the Remarks with respect to new

claim 12, this amendment necessitates new grounds of rejection, which are addressed

below.

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

        The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

        The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

2.   The abstract of the disclosure is objected to because it includes legal terminology

such as "said". Correction is required. See MPEP § 608.01(b).

3.   The well-known in the art statements applied to claim 7 is taken to be admitted

prior art due to applicant's failure to traverse Examiner's assertion of official notice.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng

et al., "Digital Television Application Manager"., *2001 IEEE International Conference on*

Multimedia and Expo Pg. 685 – 688, in view of Ludvig et al., US Patent No 7,216,170.

As to claim 1 Peng et al. disclose a method, for a receiver adapted for receiving broadcasted signal from a broadcaster, of handling the execution of a first independent feature (Section 2.2, Table 1), where at least a part of feature data, needed to execute said first independent feature, is comprised in said broadcasted signal as data relating to a first Xlet (Table 1 – the AIT, which is contained in a broadcast signal, is data relating to an Xlet, and is needed to execute the applications), and wherein said feature data are broadcasted as data carousels (Section 1, paragraph 2), the method comprising the steps of:

receiving instructions identifying said first feature, wherein the instructions further comprise an identification that the identified first feature is to be executed (Section 2.1 – 2.2 – AIT, which is sent in the transport stream, contains signaling information, which is used for managing an Xlet application. See *Application_control_code* in the AIT);

loading, from at least one of the data carousels, the feature data related to said first feature into memory of said receiver (Section 1, paragraph 7; Section 3.1),

executing said identified feature (Section 2.2, Section 3.1).

Peng et al. fail to disclose that said data relating to said first Xlet further comprise feature data needed to execute at least a second independent feature; and that the feature data related to said first feature and said second feature being a part of said first Xlet.

However, in an analogous art, Ludvig et al. disclose an AIT which contains data necessary to execute a plurality of applets (col. 13 line 66 – col. 14 line 32; Fig. 3: 304).

In the combined system of Peng and Ludvig, the AIT (i.e. feature data related to said first feature and said second feature – Ludvig col. 13 line 66 – col. 14 line 32) is a part of the first Xlet (Peng Section 1 Paragraph 6 - the AIT is necessary for the first Xlet to be run, therefore it is a part of the first Xlet).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ludvig et al. and Peng et al. The rationale for this combination would have been to have a single, central AIT that pertains to all applications, rather than having to download a new AIT for each separate application. This would make updating and debugging of the AIT faster and easier for the broadcaster.

As to claim 2 Peng et al. disclose mounting the data carousel comprising the feature data needed to execute said first independent feature (Sections 4.2-4.3 – the file structure contained in the carousel is obtained, therefore the carousel has been mounted), and creating a class loader being dedicated to said first feature (Section 4.3).

As to claim 3 Peng et al. disclose receiving instructions identifying a feature, wherein the instructions further comprise an identification that the identified feature is to be terminated (Sections 2.1, 2.2 – AIT contains application control instructions, which are used to execute and terminate applications), terminating said feature (Fig. 2), and removing the feature data, related to said identified feature, from memory of said receiver (Section 4 paragraph 3; Section 4.1).

As to claim 4 Peng et al. disclose unmounting the data carousel comprising the feature data needed to execute said first independent feature and removing it from the

memory, removing all references to the class loader being dedicated to said first feature

and removing it from the memory (Abstract; Sections 4, Paragraph 3; Sections 4.3 – 5 –

Peng et al. discloses that garbage collection occurs after quitting an application and that

classes are removed from STB memory upon termination. It would be readily apparent

to one of ordinary skill in the art that garbage collection would further entail removing

the file structures mounted from the carousel and removing references to class loader).

As to claim 5 Peng et al. disclose a method according to claim 1, wherein the

instructions identifying said first independent feature is received from the broadcaster

(Section 1 Paragraph 5).

As to claim 6 Peng et al. disclose a method according to claim 1, wherein the

instructions identifying said first independent feature is received from a user

communicating with the receiver (Section 1 Paragraph 5).

As to claim 7 Peng et al. fail to explicitly disclose that the receiver presents an

identification of at least a part of said broadcasted independent features to said user

and the instructions identifying said first independent feature is based on said

presentation. However, examiner takes official notice of the fact that it was well known

in the art at the time of the invention to use graphical user interfaces to give users the

option of choosing between a plurality of applications whose identity are presented to a

user, and that the instructions used to execute this application are given based upon the

user's selection.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to use a GUI in the system disclosed by Peng et al. The rationale for this

combination would have been to present a user friendly interface from which

applications to be executed can be selected. All the claimed elements were known in

the prior art and one skilled in the art could have combined the elements as claimed by

known methods with no change in their respective functions, and the combination would

have yielded predictable results to one of ordinary skill in the art at the time of the

invention.

As to claim 8, see similar rejection of claim 1, where Ludvig et al. disclose that a

plurality of applications depend on the AIT (see Fig. 3). Therefore the method of claim 8

corresponds to the method of claim 1 as analyzed above.

As to claim 9 see similar rejection of claim 1. The receiver of claim 9

corresponds to the method of claim 1. Therefore, claim 9 has been analyzed and

rejected.

3.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng

and Ludvig as applied to claim 1 above, and further in view of Heredia, US Pub No

2003/0217369.

As to claim 12 the combined system of Peng and Ludvig disclose a feature table

that comprises a feature name field (Peng Table 1: application_name_char) and a

startup class name field (Peng Table 1: Initial_class_byte)

The combined system of Peng and Ludvig fail to disclose a table which contains

a carousel identification field.

However, in an analogous art, Heredia discloses an Application Information Table which contains a carousel identification field (Table 1: DIILOCATION field contains a carousel identifier; claims 32-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Peng and Ludvig with the teachings of Heredia. The rationale for this modification would have been to identify the carousels which contain data relevant to an application, in the case where application data is spread over two or more carousels.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/   ROBERT HANCE
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